

## **REMARKS/ARGUMENTS**

In the Office Action dated December 31, 2008, the Examiner found that the reply filed on September 22, 2008, was not fully responsive. Reconsideration of this Application is respectfully requested.

A. The Examiner noted that the Applicant did not address the provisional rejection of claims 1-10 and 33 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 and 33 of copending application 10/827,817. Because the copending claims of application 10/827,817 may change during prosecution, the Applicant will consider filing a terminal disclaimer when the present application is otherwise in condition for allowance.

B. The Examiner noted that the Applicant did not completely address the rejection of claims 1-10 and 33 under 35 U.S.C. §102(f) because the Applicant did not discuss the inventorship of Peiwen Cheng. The Applicant hereby requests under 37 C.F.R. 1.48(a) that the inventorship for the present application be changed from Rangarajan Sundar as a sole inventor to Rangarajan Sundar and Peiwen Cheng as joint inventors. As recorded on reel/frame 014869/0070 in the assignment records of the Patent and Trademark Office, the assignee of the entire right, title, and interest of the present application is Medtronic Vascular, Inc., 3576 Unocal Place, Santa Rosa, CA 95403, who consents to the correction of inventorship. Alan M. Krubiner, Attorney for Applicant, is authorized to act on behalf of the assignee Medtronic Vascular, Inc. Correction of inventorship is respectfully requested.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

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